IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3715 of 2007()

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CRIME NO.155/07 OF OACHIRA POLICE STATION
AGAINST THE JUDGEMENT/ORDER IN WPCR.97/2007 Dated 02/05/2007

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PETITIONERS - ACCUSED

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JOBIN GOMEZ, S/O.BABY CHAN,
MARIYALAYAM HOUSE, ALAPPAD VILLAGE.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: COMPLAINANT

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STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 3715 of 2007

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Dated this the 20th day of June, 2007

**O R D E R**

Application for anticipatory bail. The petitioner is alleged to have kidnapped a girl aged 17 years. The girl was missing. Many persons were suspected. The petitioner is one of them. The petitioner and the girl were working together in the same organisation in connection with Sunami Relief, it is submitted. A Habeas Corpus petition was filed. The girl was produced before a Division Bench of this Court. The girl asserted that she was living with an aunt of a friend of her. She was sent to the custody of her parents from the Court. Thereafter the police have not questioned the girl so far, it is conceded. The girl is not available for questioning, submits the learned Prosecutor.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued subject, of course, to

conditions, which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 27.6.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 28.6.07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of three months.

(d) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 27.6.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 27.6.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 27.6.2007.

**(R. BASANT)**
Judge

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